

EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
 United States Patent and Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450
www.uspto.gov

Ex Parte Reexamination Filing Data - June 30, 2009

1. Total requests filed since start of *ex parte* reexam on 07/01/81 10066¹
 - a. By patent owner 3615 36%
 - b. By other member of public 6286 62%
 - c. By order of Commissioner 165 2%

2. Number of filings by discipline
 - a. Chemical Operation 2914 29%
 - b. Electrical Operation 3487 34%
 - c. Mechanical Operation 3503 35%
 - d. Design Patents 162 2%

3. Annual *Ex Parte* Reexam Filings

| Fiscal Yr. | No. | Fiscal Yr. | No. | Fiscal Yr. | No. | Fiscal Yr. | No. |
|------------|-------------|------------|-----|------------|-----|------------|--------|
| 1981 | 78 (3 mos.) | 1989 | 243 | 1997 | 376 | 2005 | 524 |
| 1982 | 187 | 1990 | 297 | 1998 | 350 | 2006 | 511 |
| 1983 | 186 | 1991 | 307 | 1999 | 385 | 2007 | 643 |
| 1984 | 189 | 1992 | 392 | 2000 | 318 | 2008 | 680 |
| 1985 | 230 | 1993 | 359 | 2001 | 296 | 2009 | 481YTD |
| 1986 | 232 | 1994 | 379 | 2002 | 272 | | |
| 1987 | 240 | 1995 | 392 | 2003 | 392 | | |
| 1988 | 268 | 1996 | 418 | 2004 | 441 | | |

4. Number known to be in litigation..... 3079.....31%

5. Decisions on requests.....9675
 - a. No. granted.....8895.....92%
 - (1) By examiner 8782
 - (2) By Director (on petition) 113
 - b. No. denied780.....8%
 - (1) By examiner 745
 - (2) Reexam vacated 35

¹Of the requests received in FY 2009, 20 requests have not yet been accorded a filing date, and preprocessing of 24 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

| | | | | | |
|-----|---|--------------------|------------------------------------|---------------------|---------|
| 6. | Total examiner denials (includes denials reversed by Director)..... | | | | 858 |
| a. | Patent owner requester | | | 444 | 52% |
| b. | Third party requester | | | 414 | 48% |
| 7. | Overall reexamination pendency (Filing date to certificate issue date) | | | | |
| a. | Average pendency | | | 25.1 (mos.) | |
| b. | Median pendency | | | 19.5 (mos.) | |
| 8. | Reexam certificate claim analysis: | Owner Requester | 3 rd Party Requester | Comm'r Initiated | Overall |
| a. | All claims confirmed | 22% | 27% | 12% | 25% |
| b. | All claims cancelled | 8% | 13% | 21% | 11% |
| c. | Claims changes | 70% | 60% | 67% | 64% |
| 9. | Total <i>ex parte</i> reexamination certificates issued (1981 – present) | | | | 6908 |
| a. | Certificates with all claims confirmed | | | 1705 | 25% |
| b. | Certificates with all claims canceled | | | 776 | 11% |
| c. | Certificates with claims changes | | | 4427 | 64% |
| 10. | Reexam claim analysis – requester is patent owner or 3 rd party or Commissioner initiated. | | | | |
| a. | Certificates – PATENT OWNER REQUESTER | | | | 2792 |
| (1) | All claims confirmed | | | 621 | 22% |
| (2) | All claims canceled | | | 228 | 8% |
| (3) | Claim changes | | | 1943 | 70% |
| b. | Certificates – 3 rd PARTY REQUESTER | | | | 3969 |
| (1) | All claims confirmed | | | 1066 | 27% |
| (2) | All claims canceled | | | 517 | 13% |
| (3) | Claim changes | | | 2386 | 60% |
| c. | Certificates – COMMISSIONER INITIATED REEXAM | | | | 147 |
| (1) | All claims confirmed | | | 18 | 12% |
| (2) | All claims canceled | | | 31 | 21% |
| (3) | Claim changes | | | 98 | 67% |